

AMENDED IN ASSEMBLY JUNE 22, 2004

AMENDED IN SENATE APRIL 26, 2004

AMENDED IN SENATE APRIL 13, 2004

SENATE BILL

No. 1768

Introduced by Senator Romero

February 20, 2004

An act to amend Section 830.33 of the Penal Code, relating to ~~the~~ ~~Inspector General~~ peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1768, as amended, Romero. ~~The Inspector General Peace officers.~~

Existing law defines various species of peace officers, including their powers and authority.

This bill would authorize railroad police officers, as specified, and their employing agencies, to access the California Law Enforcement Telecommunications System, as specified.

~~Existing law provides that there is an independent office of the Inspector General, responsible for reviewing departmental policy and procedures and conducting investigations of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, the Board of Corrections, the Narcotic Addict Evaluation Authority, the Prison Industry Authority, and the Youth and Adult Correctional Agency, as requested by the Secretary of the Youth and Adult Correctional Agency or a Member of the Legislature, or upon his or her own accord. Existing law provides that the Inspector General, and specified others in the Office of the Inspector General are peace officers, provided that their~~

~~primary duty shall be conducting audits of investigatory practices and other audits, as well as conducting investigations, of certain of the above correctional boards and agencies.~~

~~This bill would make findings and declarations of the Legislature that the 1999 act that made the Inspector General and specified others in the Office of the Inspector General peace officers authorized those peace officers to request and execute a search warrant, as specified. It would also state that it remains the intent of the Legislature that the 1999 act authorize the Inspector General, and other peace officers within the Office of the Inspector General, to request and execute a search warrant, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. (a) The Legislature finds and declares that~~
- 2 SECTION 1. Section 830.33 of the Penal Code is amended to
- 3 read:
- 4 830.33. The following persons are peace officers whose
- 5 authority extends to any place in the state for the purpose of
- 6 performing their primary duty or when making an arrest pursuant
- 7 to Section 836 as to any public offense with respect to which there
- 8 is immediate danger to person or property, or of the escape of the
- 9 perpetrator of that offense, or pursuant to Section 8597 or 8598 of
- 10 the Government Code. Those peace officers may carry firearms
- 11 only if authorized and under terms and conditions specified by
- 12 their employing agency.
- 13 (a) A member of the San Francisco Bay Area Rapid Transit
- 14 District Police Department appointed pursuant to Section 28767.5
- 15 of the Public Utilities Code, if the primary duty of the peace officer
- 16 is the enforcement of the law in or about properties owned,
- 17 operated, or administered by the district or when performing
- 18 necessary duties with respect to patrons, employees, and
- 19 properties of the district.
- 20 (b) Harbor or port police regularly employed and paid in that
- 21 capacity by a county, city, or district other than peace officers
- 22 authorized under Section 830.1, if the primary duty of the peace
- 23 officer is the enforcement of the law in or about the properties
- 24 owned, operated, or administered by the harbor or port or when

1 performing necessary duties with respect to patrons, employees,
2 and properties of the harbor or port.

3 (c) Transit police officers or peace officers of a county, city,
4 transit development board, or district, if the primary duty of the
5 peace officer is the enforcement of the law in or about properties
6 owned, operated, or administered by the employing agency or
7 when performing necessary duties with respect to patrons,
8 employees, and properties of the employing agency.

9 (d) Any person regularly employed as an airport law
10 enforcement officer by a city, county, or district operating the
11 airport or by a joint powers agency, created pursuant to Article 1
12 (commencing with Section 6500) of Chapter 5 of Division 7 of
13 Title 1 of the Government Code, operating the airport, if the
14 primary duty of the peace officer is the enforcement of the law in
15 or about properties owned, operated, and administered by the
16 employing agency or when performing necessary duties with
17 respect to patrons, employees, and properties of the employing
18 agency.

19 (e) (1) Any railroad police officer commissioned by the
20 Governor pursuant to Section 8226 of the Public Utilities Code, if
21 the primary duty of the peace officer is the enforcement of the law
22 in or about properties owned, operated, or administered by the
23 employing agency or when performing necessary duties with
24 respect to patrons, employees, and properties of the employing
25 agency.

26 (2) *Notwithstanding any other provision of law, a railroad*
27 *police officer commissioned by the Governor as described herein,*
28 *and the officer's employing agency, may apply for access to the*
29 *California Law Enforcement Telecommunications System*
30 *(CLETS) through a local law enforcement agency that has been*
31 *granted direct access to CLETS, provided that, in addition to other*
32 *review standards and conditions of eligibility applied by the*
33 *Department of Justice, the CLETS Advisory Committee and the*
34 *Attorney General, before access is granted the following are*
35 *satisfied:*

36 (A) *The employing agency shall enter into a CLETS subscriber*
37 *agreement as provided for in the CLETS policies, practices, and*
38 *procedures, and the required background check on the peace*
39 *officer and other pertinent personnel has been completed, together*
40 *with all required training.*

1 (B) *The subscriber agreement shall be in substantially the same*
2 *form as prescribed by the CLETS policies, practices, and*
3 *procedures for public agencies of law enforcement who subscribe*
4 *to CLETS services, and shall be subject to the provisions of*
5 *Chapter 2.5 (commencing with Section 15150) of Title 2 of*
6 *Division 3 of the Government Code and the CLETS policies,*
7 *practices, and procedures.*

8 (C) (i) *The employing agency shall expressly waive any*
9 *objections to jurisdiction in the courts of the State of California for*
10 *any liability arising from use, abuse, or misuse of CLETS access*
11 *or services or the information derived therefrom, or with respect*
12 *to any legal actions to enforce provisions of California law relating*
13 *to CLETS access, services, or information under this subdivision,*
14 *and provided that this liability shall be in addition to that imposed*
15 *by Public Utilities Code Section 8226.*

16 (ii) *The employing agency shall further agree to utilize CLETS*
17 *access, services, or information only for law enforcement activities*
18 *by peace officers commissioned as described herein who are*
19 *operating within the State of California, where the activities are*
20 *directly related to investigations or arrests arising from conduct*
21 *occurring within the State of California.*

22 (iii) *The employing agency shall further agree to pay to the*
23 *Department of Justice and the providing local law enforcement*
24 *agency all costs related to the provision of access or services,*
25 *including, but not limited to, any and all hardware, interface*
26 *modules, and costs for telephonic communications, as well as*
27 *administrative costs.*

28 ~~Chapter 918 of the Statutes of 1999, which conferred peace officer~~
29 ~~status on the Inspector General and on other specified persons~~
30 ~~within the Office of the Inspector General, authorized those peace~~
31 ~~officers to request and execute a search warrant as described in~~
32 ~~Sections 1523 and 1524 of the Penal Code.~~

33 ~~(b) It remains the intent of the Legislature that Chapter 918 of~~
34 ~~the Statutes of 1999 authorizes the Inspector General and other~~
35 ~~peace officers within the Office of the Inspector General to request~~
36 ~~and execute a search warrant as described in Sections 1523 and~~
37 ~~1524 of the Penal Code.~~